

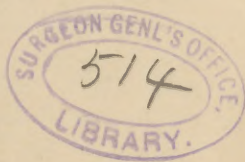
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**CAN PHYSICIANS HONORABLY
ACCEPT COMMISSIONS FROM
ORTHOPEDIC INSTRU-
MENT MAKERS.**

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MEDICAL COLLEGE.

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CAN PHYSICIANS HONORABLY
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The enterprise of manufacturers in increasing the sales of their goods is called business thrift, for their relationship to patients is a purely commercial one. Under the guise of being made especially for this patient, they are often enabled to charge exorbitant prices for their inexpensive wares so as to pay the secretly understood customary commission to the physician.

Dr. Solomon Solis-Cohen applies the very appropriate term of "Sales-agent" to physicians who thus debase their profession, as to the recommendation of secret nostrums. He says: "When a sick man applies to a physician, thinking that he thereby will secure the benefit of special knowledge brought to bear upon the conditions of the individual case, entrusting to the conscience of his medical adviser, his health and his life, he is en-

¹ Read by invitation before the District Medical Society of the County of Camden, New Jersey.

titled to the skill and the thought for which he pays and that he deems himself to be receiving. He certainly deserves better treatment than to be handed over to the mercies of —— or any other of the unholy crew. If such is to be his fate, let him have the satisfaction of buying the worthless or poisonous stuff direct, without the sham of a professional consultation, and without paying a purchaser's commission to the medical sales-agent."

The very secrecy that is resorted to condemns the procedure, for the manufacturer well knows that this form of business thrift on his part is a dishonest practice on the part of the physician. This form of bribery which induces physicians to send their patients to "our store" for personal gain is strongly condemned by the profession, whether it be commissions from the Apothecary, the Optician, the Manufacturer of proprietary or patent medicines, of health-giving natural spring waters, artificial limbs, trusses or orthopedic apparatus—but notwithstanding this condemnation, it appears to be still carried on.

The necessity of employing and recommending surgical and remedial appliances, many of which for business purposes are patented or so controlled as to favor the exorbitant prices demanded, has often been considered, and as there appears to be no way

of dispensing with their use, the question requiring solution must be, how can they be used honorably and honestly? If these remedial measures are to be classed with splints for broken bones, spectacles for defective eyes, etc., and not as shoes, clothing or provisions, it must be clearly apparent that physicians must not only countenance their proper use, but also prescribe and direct their employment as therapeutic measures.

The real offense appears to be that of obtaining money from patients under false pretenses, and the secrecy with which these so-called business transactions are carried on, is evidence that the physician would not have his patients or colleagues know that he received, in addition to the fee for his professional service, a commission on the sale of the apparatus, truss or artificial limbs that he has ordered his patient to procure, or that he is, to all intents and purposes, a silent partner in the shop where he directs his patient to procure that which he has ordered.

Is it "business" or "professional" to inform patients whose confidence in their physician leads them to trust their health, happiness and honor in his hands, that these forms of appliances are very expensive, and that they must settle with the manufacturer at the prices printed in the catalogue, and conceal the fact, not always printed but con-

fidentially understood, that one-quarter of that exorbitant charge goes back to the physician as his commission for making the sale?

Would the physician continue in the high esteem in which he should be held, if the patient knew that his money was paying these exorbitant prices so that his physician could get double pay?

Medical laws have been, and are being, enacted to protect the public against unqualified practitioners of medicine, and thereby discountenancing all forms of quackery and charlatanism, nowhere more conspicuous than in the sale of braces, trusses and artificial limbs. The makers of these appliances often assume, in reality, to practice medicine, but, withal, without a license which their absence of training prevents them from obtaining.

The following paragraph is taken from the "Instructions in Ordering," contained in a catalogue issued by a manufacturer (*italics are mine*), and is in marked contrast with the foregoing:

"While we prefer in each case to work under the direction of the attending physician, executing his wishes with all possible accuracy, *yet should advice or consultation be needed, we will always stand ready in any way within our power to assist, that the physician and patient be alike benefitted.*"

Again in the same catalogue will be found
 "Orthopedic Apparatus" (*italics mine*):

"When order is sent to us by the physician, we will allow 25 per cent. discount from the catalogue prices, *but when the patient is sent to us to be measured and fitted, we can allow only 10 and 15 per cent. discount from prices charged.*

"Physicians will please collect from their patients at least one-third of the amount in advance, and remit same to us when ordering. Apparatus will then, as soon as finished, be sent direct to the patient, collecting the balance C. O. D., thus *relieving the physician of all financial responsibility.* In cases of this kind, we collect the full price of the brace, and *pass the commission* to the credit of the physician or remit same to him if desired. We suggested this plan some time ago, because of the *numerous requests made us by the physicians* for an extended credit on appliances of this kind, they claiming that they could not afford to pay cash for them and then wait the will and the pleasure of their patrons.

"Experience has shown that the appliances of this character are not always comfortable when first worn, and that the patients are at that time easily discouraged or dissatisfied with trivial matters, and while we will make any changes necessary without charge (where the fault is ours), *we must ask physi-*

icians to protect themselves and us to the fullest extent."

"Special note (in regard to trusses): Fitting and adjusting special cases given careful attention at our office. Always send a letter of instruction with the patient *and get credit for the sale.*"

This is so perfectly clear that no explanation is required, and there is but one omission that should find a conspicuous place: That in order that physicians should be better able to "protect themselves and us" to the fullest extent, we urge that all knowledge of these transactions should be concealed from their patrons. (The word patron is used in the foregoing as it is an accepted business term.) Webster defines patron (from *pater*, a father), "one who countenances, supports, or protects." It would generally be inappropriate to use the word patient in such connection, for he ceases to be under medical treatment when he, with or without the order of his physician, goes to the manufacturer of braces for advice or consultation.

Webster's definition of patient is: "A diseased person under medical treatment; generally used as a correlative to physician or nurse."

It will be noticed that there is a well recognized difference from the business standpoint between the two words, for the statement, quoted above, says, "but when the

patient is sent to us," implying that he then ceases to be a patient and becomes a patron or one who supports.

Of the duties of the profession to the public, the Code of Medical Ethics says: "It is the duty of physicians who are frequently witnesses of the enormities committed by quackery and the injury to health, and even destruction of life caused by the use of quack medicines, to enlighten the public on these subjects, to expose the injuries sustained by the unwary from the devices and pretensions of artful empirics and impostors."

It is under the category of empirics and impostors that all orthopedic and artificial limb makers must be classed who indulge in the reprehensible practices referred to in this paper, i. e., those who have schemed to add to their skill, as manufacturers, a desire to prescribe, direct, give advice to either the patient or physician, and who boldly offer to hold consultations with physicians when such appliances may be deemed desirable.

When the physician becomes capable of measuring and fitting his own patients for orthopedic appliances—just as he has been educated to measure and fit his own apparatus for fractures and other injuries—just as he measures and fits his own medical prescriptions to the peculiar requirements of the case—just as he measures the patient's errors of refraction and fits the glasses and frames

that have been manufactured by the optician, then the physician will occupy his true position and not fear that the secret transfer of commission will be found out, because no commission will then be asked for or given.

When the physician decides upon the form of mechanical support that will be best for his patient, and measures the same from his own standpoint of knowledge of disease, and fits and adjusts the appliance as the changing requirements of the patient demand, then he will be in a position to render suitable charges for professional services rendered to the patient, and can inform the patient (having his best interests at heart) that the apparatus will cost 25 per cent. less than the catalogue price.

The mechanics occupy honorable positions in making appliances for the relief of suffering, and can hardly be censured for the position they are forced to occupy by physicians who seem to delight in their ignorance about braces or mechanical apparatus, and any reform in this matter must come from the physician, where it should be expected to originate. If the spirit of the Code of Ethics is understood, the course here suggested is in accordance therewith.

Physicians should, unquestionably, adopt business principles and methods in the conduct of their calling, but this does not mean

that those methods should embrace lying to, or cheating, their patients.

When physicians have been induced by the commission to send their patients to the manufacturer or shop for treatment that they should themselves apply or direct, how soon will the process of dispensing with the physician begin? The "lady attendant" and private entrance, now provided by some dealers, encourage frequent visits to have repairs and adjustments made, about which it is said "the physician does not understand," and "has not the time to attend to."

The next step, and one that is already said to be a recognized business necessity to keep in advance of competition, is set forth in another catalogue which has a large lay distribution. The heading is, "Calls Made to Residences." (*Italics mine.*)

"We will call upon any one desirous of purchasing (articles advertised in catalogue) residing within the limits of the city, for *consultation, measuring, fitting, or advice, free of charge*; and upon any party without the city limits, provided they will pay the expense of traveling and a reasonable amount for extra time consumed."

There is but one step more, and that is the retrogression to the time when barbers were surgeons and the "natural bone-setters" put irons on deformities to such an extent that

the deformities increased under the heavy loads their poor afflicted bodies had to carry. Patients are, even now, by bold and luring advertisements, urged to go direct to the makers to save extra expense, and that they themselves can obtain full description as to the choice of apparatus and how to make all necessary measurements.

Where are the knowledge of pathology, of anatomy, and of the other subjects that physicians are obliged to pass upon before State Boards of Medical Examiners? Where is the diagnostic skill that should decide as to the nature of the disease and the principles upon which the treatment shall be based, that the patient may be benefitted? The evils that result from the system which appears to be in vogue are that, in order to get the largest commission, the physician must recommend his patient to the manufacturer whose catalogue prices are the highest.

His own judgment, naturally, becomes warped when confronted by an array of steel, leather, felt, aluminum; and the real benefit to the patient is in danger of being lost sight of, in the desire to increase the reward he is offered for bringing another patron to "our place."

The patient's deformity too frequently becomes the seat of attack rather than the arrest of the disease which may have caused

it, and thus the attempt is made to push in the hump which has resulted from a failure to recognize caries of the spine, or by braces alone to correct in an adult the knock-knee where there is a prolongation of the inner condyle, or to cure club-feet by braces alone. The braces are sold to the patient, the physician has obtained his commission, and the patient, not only, often receives no benefit, but, alas, worse, his case progresses so rapidly that another brace is tried and more money spent, until valuable time is lost and a hopeless cripple results.

If the methods that too frequently obtain in the care or supposed treatment, by incompetents, of cripples and deformities, those who are obliged to use trusses or artificial limbs, were adopted in other branches of medicine, more suits for malpractice would be justly instituted.

The appreciation of the errors prevalent in this country is shown in the preface of an English manufacturer of orthopedic appliances, from which I quote:

"I may have to refer to the authors who so ably explained the application of the instruments in their several works. In doing this, I trust that the profession will view the liberty I have taken as a desire to assist those medical men who are not familiar with the perfect and exact use of the apparatus, and not with the idea of trespassing on that

ground of "advice" which is clearly the province of the medical man."

The answer to the question I have propounded as the title of this paper, "Can Physicians Honorably Accept the Commissions so Frequently Offered by Orthopedic Instrument Manufacturers?" must be the solution of many of the abuses to which allusion has been made. If it is honest to so defraud the patients submitted confidently to the care of the physician, it is just as right to totally ignore every point of the Code of Ethics that indicates to the contrary. If it is dishonest, and what physician can dispute it, are we not obliged, by the very words and spirit of the Code, to so proclaim it?
